

BSNL EMPLOYEES UNION

Recognised Union in BSNL

(Registered Under Indian Trade Union Act 1926. Regn.No.4896)

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BSNLEU/ 506 (NEPP)

11.10.2018

To,

Shri Anupam Shrivastava,
CMD BSNL,
Bharat Sanchar Bhawan,
Janpath, New Delhi – 110 001

Sir,

Sub: - Treating TSMs regularised on or after 01.10.2000 as DOT recruitees for conferment of promotions under Non-Executive Promotion Policy (NEPP)- req.

Ref: - (1) BSNLEU letter No. BSNLEU/506(NEPP) dated 25.05.2011.
(2) BSNLEU letter No. BSNLEU/506(NEPP) dated 27.05.2011.
(3) BSNLEU letter No. BSNLEU/506(NEPP) dated 08.08.2016.
(5) Hon'ble Supreme Court Judgement on SLP filed by BSNL dated 01.08.2016.

We wish to bring the following for favour of your kind consideration.

As per DoT order, all the officials who were conferred with Temporary Status prior to 01.10.2000 and who were regularised subsequently, are treated as DoT recruitees. Since they are treated as Government employees and are granted government pension and GPF, for promotion purposes under NEPP also they should be treated as Government employees. Moreover, their TSM service was counted for increments while fixing their pay on appointment as RM and they were granted EL during TSM service which was taken into account even after appointment as RM. The counting of TSM service for increment, GPF, leave and pension clearly establish that they have performed duty in DoT and hence are to be treated as DoT appointees only. Hence, the Union requested the Management, vide letter under reference (1) and (2) that all such officials should be given first upgradation under NEPP on 01.10.2004, on completion of 4 years service in BSNL.

But the Management has issued a clarification vide No.13-2/2010-TE dated 06.01.2011 at point No.24, vide which it was clarified that such Temporary Status Mazdoors will be treated as BSNL recruited officials. In view of the above clarification these officials are denied first upgradation under NEPP on completion of 4 years service in BSNL, i.e., on 01.10.2004.

Aggrieved with this, 123 officials of Himachal Pradesh, who were conferred TSM and who were regularised on or after 01.10.2000 filed an OA to Hon'ble CAT/Chandigarh Bench and the Hon'ble CAT pronounced it's judgement on 16.01.2011 as follows:-

" 3. There is a precise averment, in the course of the O.A., that the process of consideration for regularization of the applicants had concluded on 30.08.2000 and the issuance of formal orders in pursuance thereof were delayed due to delay on the part of the department itself which (delay) could not visit the applicants with onerous consequences.

4. It is apparent, from a perusal of the pleadings raised by the parties and the documentation placed on record, that the consideration on point of grant of status of Temporary Mazdoor/Casual Labourer and the consequential regularization came to be concluded on 30.08.2000 but implementation thereof came to be delayed for no fault on the part of the applicants. They cannot, accordingly, be made to suffer for the delay in the relevant context.

The competent authority having issued the Presidential Order (Annexure A-4) cannot validly deny the requested benefit to them on the premise that they were direct recruits into BSNL which they, in fact, were not. There is plethora of documentation on record to prove that the applicants were erstwhile DoT employees who were absorbed into BSNL w.e.f. 01.10.2000, vide order dated 30.08.2008 (Annexure A-4). We would, accordingly, allow the O.A. and uphold the entitlement of the applicants to the benefit of NEPP Scheme."

Against of the aforesaid CAT order, the BSNL Management appealed in the Hon'ble High Court of Himachal Pradesh, which was dismissed by the High Court on 8th October, 2015. An SLP in the Hon'ble Supreme Court filed by the Management was also dismissed on 01.08.2016.

The Union requested the Management, vide letter cited under reference (3) above, to consider all these officials as DoT recruitees for the purpose of NEPP and to issue necessary clarification for granting 1st upgradation under NEPP, on completion of 4 years service in BSNL. Unfortunately, instead of issuing the necessary clarification, the Management sought report from all the circles regarding the number of such officials available in the circles. Three years have already passed but the reports have not come. On the plea that the requisite inputs have not come from the circles, the Corporate Office also has not issued any direction to the field units.

In view of the foregoing, we fervently appeal to you, to look into this matter and to ensure that the Corporate Office issues necessary instruction to the field units, for granting 1st upgradation under NEPP, on completion of four years of service by these officials.

Thanking you,

Yours sincerely,



[P. Abhimanyu]
General Secretary

Copy to: (1) Ms. Sujata T. Ray, Director (HR) BSNL, Bharat Sanchar Bhawan, Janpath, New Delhi – 110 001
(2) Shri Saurabh Tyagi, Sr.GM (Estt.), BSNL CO., Bharat Sanchar Bhawan, Janpath, New Delhi - 110 001